

R277-111 RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON NOVEMBER 6, 2009 AND IS SCHEDULED TO BE PUBLISHED IN THE DECEMBER 1, 2009 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF JANUARY 7, 2009.

R277. Education, Administration.

R277-111. Sharing of Curriculum Materials by Public School Educators.

R277-111-1. Definitions.

A. "Board" means the Utah State Board of Education.

B. "Creative Commons License" means copyright licenses that grant certain rights such as the right to distribute the copyrighted work without changes, at no charge. Works licensed under a Creative Commons License is protected by copyright applicable law. Creative Commons Licenses are non-exclusive and non-revocable.

C. "District/LEA materials" means materials purchased or developed by a school district/charter school using district funds or resources, including materials, resources or activities which the district requested employees to create, develop or compile during the employees' contract time.

D. "Material(s)" means all copyrightable works, including writings, lectures, musical or dramatic compositions, sound recordings, films, videotapes and other pictorial or technological reproductions, computer programs, listings, charts, manuals, codes, instructions and software.

E. "Non-commercial use" means use or exchange without payment or compensation of any kind.

F. "Personally developed materials" means materials developed by an educator. These materials may be developed on the educator's contract time using school resources, on the educator's personal time using personal resources, as an individual employment assignment, or in conjunction with other colleagues.

G. "Teacher curriculum materials" means lesson plans, educator research materials, activities, teaching strategies or other printed or electronic materials developed by the public educator.

R277-111-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of Public Education in the Board, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and by Section 53A-1-402(1)(e) which directs the Board to encourage school productivity and cost effectiveness measures.

B. The purpose of this rule is to provide information and assurance to public school educators about sharing materials created or developed by educators primarily for use in their own classes or assignments. The intent of this rule is to allow or encourage educators to use valuable time and resources to improve

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instruction and instructional practices with assistance from appropriate materials developed by other educators.

R277-111-3. Educators Sharing Materials.

A. Utah educators may share materials for noncommercial use that educators have developed primarily for use in their own classes, courses or assignments.

B. Utah educators may only share materials that they developed personally and may not unilaterally share materials that were purchased or developed by or on behalf of their public employer or the State.

C. Utah educators may only share materials that are consistent with R277-515 Utah Educator Professional Standards. For example, educators may not share materials that advocate illegal activities or that are inconsistent with their legal and role model responsibilities as public employees and licensed educators.

D. Utah educators may share materials under a Creative Commons License and shall be personally responsible for understanding and satisfying the requirements of a Creative Commons License.

E. The presumption of this rule is that materials may be shared. The presumption is that Utah educators need not seek permission from their employers to share personally-developed materials. However public school employers may provide notice to employees that materials developed with public school funds or during public school employment must be reviewed by the employer prior to sharing or distribution.

F. Public educators may not sell teacher curriculum materials developed in whole or in part with public education funds or developed within the employee's scope of employment to Utah educators.

R277-111-4. School District/Charter School Rights.

A. Utah school districts or charter schools may develop and make available a policy that directs employees to seek review and approval before employees share materials that were developed on contract time, developed partially or jointly with school district/charter school funding, as part of a district/charter school assignment or if materials reference or imply school district/charter school use or endorsement.

B. Utah school districts/charter schools may prohibit their employees from sharing materials that were purchased with school district funds or which are licensed specifically for school district/charter school use.

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KEY: curriculum materials, sharing

Date of Enactment or Last Substantive Amendment: 2010

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-1-402(1)(e)